

Practitioner's Docket No. WEB-7765 D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



**DIVISIONAL APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of  
Inventors:

CHRISTIAN NOE et al.

For (title):

Enantiomerically Pure Basic Arylcycloalkylhydroxycarboxylic Esters, Processes for their  
Preparation and their Use in Medicaments

**1. Type of Application**

This new application is for a

☒ Divisional.

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

☒ The new application being transmitted claims the benefit of prior U.S. application.  
Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL  
WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**3. Papers Enclosed**

**A. Required for Filing Date under 37 C.F.R. 1.53(b)**

71 Pages of Specification  
6 Pages of Claims

**B. Other Papers Enclosed**

1 Page of Abstract

**4. Additional Papers Enclosed**

- ☒ Information Disclosure Statement (37 C.F.R. 1.98)  
☒ Form PTO-1449 (PTO/SB/08A and 08B)

**5. Declaration or Oath**

- ☒ Enclosed  
Executed by  
☒ inventors.

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- ☒ The same.

**7. Language**

- ☒ English

**8. Assignment**

- ☒ An assignment of the invention to Christian Noe and Ernst Mutschler  
☒ was filed in grandparent application No. 09/309,060.

**9. Certified Copy**

Certified copy of application

AUSTRIA	A1973/96	November 11, 1996
Country	Application No.	Filed

from which priority is claimed

- ☒ was filed in grandparent application No. 09/309,960

**10. Small Entity Statements:**

- ☒ Status as a small entity was claimed in prior applications 09/901,217 and 09/309,960, from which benefit is being claimed for this application under:

35 U.S.C. § ☒ 119(e),  
☐ 120,  
☐ 121,  
☐ 365(c),

and which status as a small entity is still proper and desired.

**11. Fee Payment Being Made at This Time**

☒ Enclosed  
☒ Filing fee \$519.00  
Total Fees Enclosed \$519.00

**12. Method of Payment of Fees**

☒ Payment in the amount of \$519.00 is enclosed.

**15. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 12-1099.

☒ 37 C.F.R. 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

☒ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 CFR 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).

☒ 37 C.F.R. 1.17 (application processing fees)

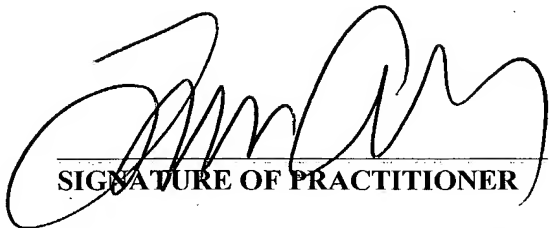
☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**16. Instructions as to Overpayment**

☒ Credit Account No. 12-1099.

☐ Refund

**LAURENCE A. GREENBERG**  
REG. NO. 29,308

  
SIGNATURE OF PRACTITIONER

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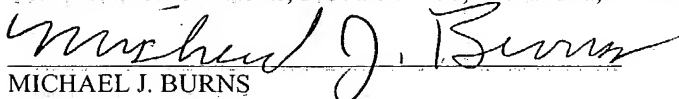
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/bb

"Express Mail" mailing label number EV 310904851 US

Date of Deposit: June 23, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
MICHAEL J. BURNS

**[x] Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

- [x]** Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 1

- [x]** Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added 6

- [ ]** Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

- [ ]** Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

**[ ] Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

- [ ]** This transmittal ends with this page.

**ADDED PAGE FOR SPECIAL COMMENTS FOR NEW APPLICATION TRANSMITTAL**

This divisional application claims the benefit under 35 U.S.C. §120 of U.S. application No. 09/901,217, filed July 9, 2001, which was a continuation-in-part of application No. 09/309,960, filed on May 11, 1999, now U.S. Patent No. 6,307,060.